

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Telscape Communications, Inc. (U-6589-C),

Complainant,

vs.

Pacific Bell Telephone Company (U-1001-C),

Defendant.

Case 02-11-011
(Filed November 5, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING PETITION
TO SET ASIDE SUBMISSION AND REOPEN PROCEEDINGS AND TAKING
OFFICIAL NOTICE OF DOCUMENT**

On February 23, 2004, complainant Telscape Communications, Inc. (Telscape), pursuant to Rule 84 of the Commission's Rules of Practice and Procedure¹, filed a Petition to Set Aside Submission and Re-Open Case for the Limited Purpose of Permitting Telscape to Respond to SBC Communications' (SBC) Argument on the Expanded Interconnection Service Cross-Connect (EISCC) Change Charges (Petition).

The evidentiary hearing was concluded on December 19, 2003. Opening and reply briefs were filed and this matter was submitted on February 19, 2004.

¹ Unless otherwise indicated, all subsequent citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

Telscape takes issue with factual assertions in SBC's reply brief about the EISCC and wishes to reopen the submission to counter those assertions. This issue is sufficiently narrow, but factually relevant, that the submission should be set aside and the matter reopened. Telscape has presented its argument in its Petition. SBC should have one week from the date of this Ruling to respond to Telscape; Telscape will then have five days from the response to reply, if needed. This matter will be resubmitted upon the receipt of the last papers from the parties, or on the deadline for SBC's response, if it elects not to respond.

Telscape additionally concurs in the request of defendant SBC that the Commission take official notice, pursuant to Rule 73, of the interconnection agreement between Telscape and SBC. This request should be granted, on condition that SBC file and serve the interconnection agreement within one week of the date of this Ruling.

IT IS RULED that:

1. The submission of this proceeding is set aside and the record is reopened solely for the purpose of taking additional evidence and argument on the limited issue of the nature of the expanded interconnection service cross-connect (EISCC).
2. SBC Communications (SBC) may respond to the information and argument presented in Telscape's Petition within one week of the date of this Ruling.
3. Telscape Communications, Inc. may reply to SBC within five days of SBC's response.
4. Only the issue of the nature of the EISCC may be addressed in the parties' submissions.

5. If SBC elects not to respond, this matter will be resubmitted on the deadline for SBC's response. If SBC does respond, this matter will be resubmitted on the date the last papers from the parties are received in response to this Ruling.

6. The Commission takes official notice of the interconnection agreement between Telscape and SBC, provided that SBC files and serves a copy of the agreement within one week of the date of this ruling.

Dated March 3, 2004, at San Francisco, California.

/s/ ANNE E. SIMON

Anne E. Simon
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Petition to Set Aside Submission and Reopen Proceedings and Taking Official Notice of Document on all parties of record in this proceeding or their attorneys of record.

Dated March 3, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.